

### REMARKS

Claims 1-12 are pending in the application.

Claims 1-10 are rejected and claims 11 and 12 are objected to.

Claims 1 and 2 have been clarified herein. It is clarified for example that the output buffers include a plurality of buffers for each priority type. No new matter is entered. Claim 3 has been cancelled.

#### Claim Rejections

Claims 1-5 are rejected under 35 U.S.C. § 103(a) as unpatentable over Chiussi et al. (Chiussi) in view of Timbs in view of Lechleider (US 6,359,883).

In the Office Action it is argued that Lechleider describes the storing of the data into buffers without detecting a header part of the data. On page 11 of the Office Action it is stated that the data is stored into available output buffers without implying any information from the header part of the data.

Although not specifically cited by the Examiner, column 13, lines 5-9 of Lechleider describe that the transmitter switch 150 merely connects to any output buffer that is empty.

However it is respectfully submitted that Lechleider does not show that the output buffers include a plurality of buffers for each priority type.

The Office Action points to column 9, lines 37-67 of Lechleider. However, a review of this section discloses that the reference describes in column 9, line 58 through column 10, line 4 that the buffers being describes as used for priority schemes are related to the input buffers and not the output buffers as claimed by applicant.

Therefore in contrast to the input buffers of the reference, applicant claims the plurality of buffers include a plurality of output buffers for each of priority types, and the switching of the

connections is controlled to cause the data from the plurality of input ports to be stored into a buffer which is included in the plurality of output buffers and has an available area in accordance with storage states of the plurality of output buffers for each of the priority types, for example.

Lechleider discloses at col. 12, lines 31-34, that the latency in these buffers (input buffers) must be large enough for the rest of the transmitter 110 to function smoothly and for the controller 130 to read header information in the packets stored in these buffers (input buffers).

The data is then switched from the input buffers to the output buffers under the control of the controller 130. Column 13, lines 5-9 of Lechleider describe that the transmitter switch 150 merely connects to any output buffer that is empty. Lechleider fails to disclose or suggest the features as in the applicant's claimed invention (claims 1 and 2).

Moreover, the combination of cited references fail to show each and every claimed feature. Nor is there any suggestion in the references themselves to make such a combination as proposed in the Office Action, therefore even if every feature was shown, the references fail to suggest such a combination. Applicant's own disclosure is being used as a roadmap to make such a combination. The combination of references fail to disclose or suggest the features and thereby cannot provide advantages such as: even when the variable-length packets, such as the IP packet, are inputted, the transmission apparatus can make effective use of the output buffers.

For at least the foregoing reasons it is respectfully requested the rejection be withdrawn because the combination of references is different from applicant's claimed invention

Similarly at least these distinguishing features are applicable to dependent claims 4-5.

Claims 6-9 are rejected as unpatentable over Chiussi, Timbs, Lechleider and further in view of Roy et al and Claim 10 is likewise deemed unpatentable over Chiussi, Timbs, Lechleider in view of Azizoglu et al. (US 6,430,201).


As previously discussed, Lechleider does not show that the output buffers include a plurality of buffers for each priority type, for example as recited in claims 1 or the output window part includes a plurality of buffers for each of priority types, and the selection control circuit controls the switch part to cause the data from the plurality of input ports to be stored into a buffer which is included in the plurality of buffers and has an available area in accordance with storage states of the plurality of buffers for each of the priority types of claim 2.

Accordingly, it is respectfully submitted that the cited documents (Chiussi, Timbs, Lechleider, Azizoglu and Roy) do not anticipate or render obvious the features of the applicant's claimed invention for at least the foregoing reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

  
Brian S. Myers  
Reg. No. 46,947

CUSTOMER NUMBER 026304  
Telephone: (212) 940-8703  
Fax: (212) 940-8986 or 8987  
Docket No.: FUJI 18.846 (100794-09746)  
BSM:fd